

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

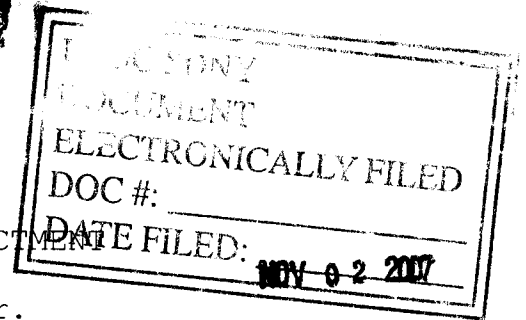
- v. -

MICHAEL AVILES

Defendant.

INDICTMENT

07 Cr.



**07 CRIM 1010**

COUNTS ONE THROUGH EIGHT

The Grand Jury charges:

1. From at least in or about December 2006, up to and including in or about January 2007, in the Southern District of New York and elsewhere, MICHAEL AVILES, the defendant, unlawfully, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, for the purpose of executing such scheme and artifice and attempting so to do, did place in a post office and authorized depository for mail matter, matters and things to be sent and delivered by the Postal Service, and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and receive therefrom such matters and things, and did cause to be delivered by mail and such carriers, according to the directions thereon, such matters and things, to wit, AVILES

SULLIVAN

having devised a scheme to take money from others by entering into sham sales of various items, agreed to sell others the items described in the table below, directed others to mail payment for these items in the amounts listed below to an address in New York, New York, and, after receiving payment and cashing the purchasers' checks and money orders, never sent the items to the purchasers:

Count	Item	Amount	Approximate Date of Mailing
1	Bronx Aluminum Cylinder Heads	\$1,071.78	12/30/06
2	Dart Pro1 345cc BBC Heads	\$1,071.78	12/30/06
3	LS1 Chevy Camaro NEW AFR 205 Head, Mani + Mor /Fast Manifold, Cam, Oil Pump, Fuel Fittings	\$1,900.00	1/3/07
4	SB2 New Heads, Mani, Pistons, Valves, Rockers	\$2,180.00	1/4/07
5	AFR Cylinder Heads For A Small Block Ford	\$1,200.00	1/8/07
6	Small Block Ford Cylinder Heads	\$1,195.15	1/19/07
7	AFR Small Block Ford 225 Racing Heads	\$1,130.00	1/19/07
8	1969 Or 68 Factory Aluminum Big Block Cylinder Heads	\$2,450.00	1/29/07

(Title 18, United States Code, Sections 1341 and 2.)

FORFEITURE ALLEGATION

2. As the result of committing the offenses in violation of Title 18, United States Code, Sections 1341 and 2, as alleged in Counts One through Eight of this Indictment, MICHAEL AVILES, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that represents or is traceable to the gross receipts obtained, directly or indirectly, from the commission of the charged offenses, including but not limited to the following:

a. At least \$12,198.71 in United States currency, in that such sum in aggregate is property representing the amount of monies obtained as a result of the offenses charged in Counts One through Eight of this Indictment.

Substitute Asset Provision

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value;

or

(5) has been commingled with other property which

cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 28 U.S.C.

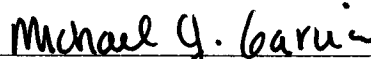
§ 2461, to seek forfeiture of any other property of said

defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, and  
Title 28, United States Code, Section 2461.)



FOREPERSON



MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INDICTMENT

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(18 U.S.C. §§ 1341 & 2)

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MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

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Foreperson.

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